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Exhibit 1

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

**To: (Name and Address of Depositor or Attorney)**

University of Virginia Patent Foundation  
Attn: Robert S. MacWright  
1224 West Main Street, Suite 1-110  
Charlottesville, VA 22903

**Deposited on Behalf of:** University of Virginia Patent Foundation

**Identification Reference by Depositor:**

**Patent Deposit Designation**

Mouse hybridoma (Mus musculus)-splenic B cell (A/J female M. musculus)  
fused with myeloma sp2/O-Ag14 (M. musculus): C3bi-3E7-E7-B8

PTA-4090

The deposit was accompanied by:    a scientific description    a proposed taxonomic description indicated above.

The deposit was received February 21, 2002 by this International Depository Authority and has been accepted.

**AT YOUR REQUEST:**   X   We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested March 4, 2002. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

**Signature of person having authority to represent ATCC:**

Marie Harris  
Marie Harris, Patent Specialist, Patent Depository

**Date:** March 18, 2002

cc: Geraldine F. Baldwin, Esq.  
(Ref: Docket or Case No.: 9426-048-999)

Express Mail No.: \_\_\_\_\_

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Taylor et al.

Application No.: 09/724,620

Group Art Unit: 1642

Filed: November 28, 2000

Examiner: Canella, K.

For: METHODS FOR THE  
PREVENTION AND TREATMENT  
OF CANCER USING ANTI-C3b(i)  
ANTIBODIES (as amended)

Attorney Docket No.: 9426-048

**STATEMENT REGARDING PERMANENCE AND  
AVAILABILITY OF DEPOSITED CELL LINE AND  
CORROBORATION REGARDING DESCRIBED CELL LINE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Leslie Casey, declare and state:

1. That I am presently the Senior Director of Research at EluSys

Therapeutics, Inc., licensee of the above-identified application.

2. That in the course of my employment as Senior Director of Research at EluSys Therapeutics, Inc., on June 15, 2001, I received from Dr. William M. Sutherland, an inventor of the above-identified application, three vials of the mouse hybridoma cell line C3bi-3E7-E7-B8 along with instructions on how to cultivate and maintain the cell line. That I confirm and corroborate that the mouse hybridoma cell line C3bi-3E7-E7-B8 received on June 15, 2001 was viable at the time of receipt and produced the monoclonal antibody 3E7

described in the specification of the above-identified application in Example 6 at pages 55-70 and in particular, page 57, lines 6-16, page 62, lines 23-30, and page 69, lines 26-28.

3. That in the course of my employment as Senior Director of Research at EluSys Therapeutics, Inc., I participated in or supervised the culturing, maintenance, and storing of the mouse hybridoma cell line C3bi-3E7-E7-B8 according to Dr. Sutherland's instructions. The mouse hybridoma cell line C3bi-3E7-E7-B8 cultured, maintained, and stored according to Dr. Sutherland's instructions was eventually deposited with the ATCC on February 21, 2002.

4. That on February 21, 2002, on behalf of the University of Virginia Patent Foundation, Assignee of the above-identified application, I forwarded the mouse hybridoma cell line C3bi-3E7-E7-B8 to the AMERICAN TYPE TISSUE CULTURE COLLECTION (ATCC), at 10801 UNIVERSITY BLVD., MANASSAS, VIRGINIA 20110-2209, USA, International Depository Authority, for deposit in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure. The deposit was viable at the time of deposit and has been assigned accession number ATCC No. PTA-4090. A copy of the Receipt from the ATCC regarding this deposit is attached to this Statement as Exhibit 1.

5. That I confirm and corroborate that the mouse hybridoma cell line C3bi-3E7-E7-B8 deposited on February 21, 2002 with the ATCC and given ATCC Accession No. PTA-4090, produces the monoclonal antibody 3E7 described in the specification of the above-identified application in Example 6 at pages 55-70 and in particular, page 57, lines 6-16, page 62, lines 23-30, and page 69, lines 26-28.

6. I hereby declare further that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Respectfully submitted,

Date: June 27, 2002

By:

Leslie A. Casey  
Leslie Casey, Ph.D.  
Senior Director of Research  
EluSys Therapeutics, Inc.